

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAAH WILLOUGHBY,

Defendant.

CASE NO. CR20-0111-JCC

ORDER

This matter comes before the Court on the Government's motion to continue trial (Dkt. No. 57). Defendant is charged by indictment with arson. (Dkt. No. 24.) Trial is currently scheduled for March 1, 2021. (Dkt. No. 38.) The Government moves to continue the trial based upon the continuing impact of the COVID-19 pandemic. (Dkt. No. 57 at 3–5.) Defendant opposes a continuance in this matter. (Dkt. No. 58.) Having thoroughly considered the motion, the relevant record, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, 15-20, and 18-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, the Court GRANTS the Government's motion for the reasons explained below.

The Government seeks a continuance because the COVID-19 pandemic makes it unlikely that it will be possible to proceed with a jury trial on March 1, 2021. (Dkt. No. 62 at 2–3.) The Government cites findings from General Order 18-20, which are incorporated by reference

1 herein. (*See id.* at 2–3 (citing W.D. Wash., General Order No. 18-20 at 2 (Dec. 30, 2020).) As the
2 General Order indicates, despite the current vaccine rollout, “the majority of individuals with
3 business in the Courthouses, including potential jurors, will not be fully vaccinated before March
4 31, 2021.” W.D. Wash., General Order No. 18-20 at 2. As a result, limiting the size and
5 frequency of gatherings remains critical to preventing serious illness and death from COVID-19.
6 The continuing public health situation resulting from the pandemic also limits the availability
7 and ability of witnesses, counsel, and Court staff to be present in the courtroom. Further, because
8 of the recommendations that individuals at higher risk of contracting this disease—including
9 individuals with underlying health conditions, individuals age 60 and older, and individuals who
10 are pregnant—avoid large groups of people, at this time, it would be difficult, if not impossible,
11 to get a jury pool that would represent a fair cross section of the community. Based on the
12 recommendations, it would also be medically inadvisable to do so.

13 For these reasons, the Court CONTINUES trial to April 12, 2021 and FINDS as follows:

- 14 1. In light of the recommendations made by the Centers for Disease Control and
15 Prevention and Public Health for Seattle and King County regarding social distancing
16 measures required to stop the spread of this disease, it is not possible to proceed with
17 trial on the current case schedule. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 18 2. Because of the recommendations that the many individuals at higher risk of
19 contracting this disease avoid large groups of people, and because vaccination of
20 those groups is not complete, it would be difficult, if not impossible, on the current
21 case schedule to obtain a jury pool that would represent a fair cross section of the
22 community. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Based on the recommendations, it
23 would also be medically inadvisable to do so.
- 24 3. As a result, the failure to grant a continuance of the trial date in this case would likely
25 result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 26 4. Therefore, the ends of justice served by continuing the trial in this case outweighs the

1 best interest of the public and Defendant in a speedier trial. 18 U.S.C.

2 § 3161(h)(7)(A).

3 Accordingly, the Court ORDERS:

4 1. Trial in this matter is CONTINUED to April 12, 2021.

5 2. The period of time between the date of this Order and the new trial date is an
6 excludable time period under 18 U.S.C. § 3161(h)(7)(A).

7 DATED this 9th day of February 2021.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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